

JOSEPHINE KIRKLAND,
 Complainant,
 vs.
 R. L. KIRKLAND,
 Respondent.

THE STATE OF ALABAMA
 Baldwin County

IN EQUITY
 Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
 and Testimony of Josephine Kirkland and Roger Lee Kirkland

and in behalf of Defendant upon ~~Acceptance of Service, Answer, Waiver of notice and~~
~~agreement to submit.~~

R. E. Duck

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 469 August Term, 1938

JOSEPHINE KIRKLAND, _____, Complainant

Vs.

R. L. KIRKLAND, _____, Defendant

To R. S. DUCK, _____, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by BEEBE, HALL & BEEBE,

_____ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Beebe Hall & Beebe
Solicitor for Complainant.

Complainant further prays that upon a final hearing of this cause, your Honor will give and grant unto her a decree of absolute divorce forever barring the bonds of matrimony existing between her and the Respondent, R. L., KIRKLAND; that a further decree be made and entered awarding to her the custody, care and control of the said minor children: Roger Lee Kirkland, Robert Otho Kirkland and Luther Joseph Kirkland; that the Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Beulah Dora DeLoe
Solicitors for Complainant.

FOOT NOTE:

The Respondent, R. L. KIRKLAND, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby waived.

Beulah Dora DeLoe
Solicitors for Complainant.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To O'BYRNE JONES

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Josephine Kirkland and Rodger Lee Kirkland

as witnesses in behalf of Complainant. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

JOSEPHINE KIRKLAND,

Complainant

and R. L. KIRKLAND

Defendant,

on oath to be by you administered, upon them to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 12th day of August 19 38

R. S. Duck

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

JOSEPHINE KIRKLAND,
Complainant,
VS.
R. L. KIRKLAND,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

This cause coming on to be heard was submitted upon the original Bill of Complaint, Answer and Waiver of the Respondent, and Testimony as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of cruelty.

IT IS FURTHER ORDERED that the Complainant and Respondent be and they are hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said JOSEPHINE KIRKLAND shall not again marry, except to the said R. L. KIRKLAND until sixty (60) days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said R. L. KIRKLAND during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, JOSEPHINE KIRKLAND, have the custody, care and control of the minor children, namely: Roger Lee Kirland, Robert Otho Kirkland, and Luther Joseph Kirkland, subject to the further orders of this court.

Dated at Monroeville, Monroe County, Alabama, this 12th day of August, 1938.

J. M. Stare
Judge of the Circuit Court of Baldwin
County, Alabama.

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

JOSEPHINE KIRKLAND

COMPLAINANT

VS.

R. L. KIRKLAND

RESPONDENT

I, O'BYRNE JONES

as ~~Register~~ and Commissioner

have called and caused to come before me Josephine Kirkland and Roger Lee Kirkland

witnesses named in the Requirement for Oral Examination, on the 12 day of August
1938, at the office of Beebe, Hall & Beebe

in Bay Minette, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Josephine Kirkland

doth depose and say as follows:

My name is Josephine Kirkland. I am a resident of Foley, in Baldwin
County, Alabama, and am over twenty-one years of age.

The Respondent, R. L. Kirkland is over twenty-one years of age and a
resident of Foley, in Baldwin County, Alabama.

The Respondent and I were married at Millery, in Washington County,
Alabama, on May 9th, 1920, and lived together as husband and wife until on to-wit,
August 10th, 1938. We have lived in Baldwin County, Alabama, for the past ten
years.

We have three children: Roger Lee Kirkland, Robert Otho Kirkland and
Luther Joseph Kirkland, who are sixteen, twelve and ten years of age, respectively;
these children are now and have been all of their lives living with me.

I am in position, financially and otherwise, to care and provide for
these children. I have a home and other property in and around Foley and suffi-
cient personal property to enable me to care for them.

The Respondent has no home or established place for the keeping or caring
for these minor children and is therefore not in position to care for them as they
should be.

ORAL EXAMINATION

I, O'BYRNE JONES, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition § on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Eubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses. ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 12th day of August 1938.

O'Byrne Jones (L. S.)
Commissioner

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JOSEPHINE KIRKLAND

COMPLAINANT

VS.

R. L. KIRKLAND

RESPONDENT

ORAL DEPOSITION

Filed August 12, 1938

R. S. Duck, Register

RECORDED IN

_____ Record

Vol. _____ Page _____

_____ Register

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

JOSEPHINE KIRKLAND

COMPLAINANT

VS.

R. L. KIRKLAND

RESPONDENT

I, O'BYRNE JONES

as ~~Register~~ and Commissioner

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witnesses named in the Requirement for Oral Examination, on the 12 day of August

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in Bay Minette, Alabama, and having first sworn said witnesses to speak the

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My name is Josephine Kirkland. I am a resident of Foley, in Baldwin County, Alabama, and am over twenty-one years of age.

The Respondent, R. L. Kirkland is over twenty-one years of age and a resident of Foley, in Baldwin County, Alabama.

The Respondent and I were married at Millery, in Washington County, Alabama, on May 9th, 1920, and lived together as husband and wife until on to-wit, August 10th, 1938. We have lived in Baldwin County, Alabama, for the past ten years.

We have three children: Roger Lee Kirkland, Robert Otho Kirkland and Luther Joseph Kirkland, who are sixteen, twelve and ten years of age, respectively; these children are now and have been all of their lives living with me.

I am in position, financially and otherwise, to care and provide for these children. I have a home and other property in and around Foley and sufficient personal property to enable me to care for them.

The Respondent has no home or established place for the keeping or caring for these minor children and is therefore not in position to care for them as they should be.

The Respondent and I have for sometime been having marital difficulties and it has just recently gotten to the point where it is impossible for us to live together as husband and wife. The Respondent has at times threatened me, somewhat indirectly, and his conduct is such here recently that I have reasonable apprehension to believe that if I should continue to live with him as his wife, he will carry out his threats and do actual violence to my person, which would necessarily endanger my life and health.

The Respondent and I have reached a property settlement, which is fully agreeable to me and enables me to provide for myself and my children.

Josephine Kurland

ROGER LEE KIRKLAND, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Roger Lee Kirkland. I am the son of the Complainant and the Respondent in this cause and live at Foley, in Baldwin County, Alabama. I have been in the home with my mother and father all of my life and know that just recently conditions have gotten to the point where it is impossible for them to longer live together as husband and wife. These difficulties or differences have grown from time to time and are now such that it is not, in my judgment, advisable that they continue to live together as husband and wife.

Roger Lee Kirkland

RECORDED

Duck - 7.516

No. 469 Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

JOSEPHINE KIRKLAND,

vs. **Complainant.**

R. L. KIRKLAND,

Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed August 12th., 1938

R. S. Duck

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

JOSEPHINE KIRKLAND, _____

Complainant,

VS.

R. L. KIRKLAND, _____

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 12

day of August 1938

R. S. Duval
REGISTER

RECORDED

RECORDED *2:379*

FINAL DECREE

JOSEPHINE KIRKLAND,

Complainant,

VS.

R. L. KIRKLAND,

Respondent.

IN THE CIRCUIT COURT OF

BALTIMOR COUNTY, ALABAMA,

IN EQUITY.

Filed this 2 day August 1935

R. S. Duck
Clerk-Register

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

JOSEPHINE KIRKLAND,
Complainant.

vs.
Complainant
R. L. KIRKLAND,
Respondent.

Defendant
COMMISSION TO TAKE DEPOSITION
O'BYRNE JONES
COMMISSIONER:

WITNESSES:

ANSWER:

JOSEPHINE KIRKLAND,

Complainant,

VS.

R. L. KIRKLAND,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed this 12 day August 1935
R. S. Dind
Clerk of Court

RECORDED
7-5/15

ACCEPTANCE OF SERVICE

JOSEPHINE KIRKLAND,
Complainant,

VS.

R. L. KIRKLAND,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

Filed this 12 day August 1985
R. S. Duvall
Clerk-Register

EXHIBIT
Wife. 7-5-11

WALTER:

JOSEPHINE KIRKLAND,

Complainant,

VS.

R. L. KIRKLAND,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed this 12 day August 19 37
R. S. Duck
Clerk-Register